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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,731

09/08/2003

Emmanuel Huber

60,130-1883;02MRA0333

8906

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7590

06/27/2006

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EXAMINER

FARRIES, DRUM

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,731

Applicant(s)

HUBER ET AL.

Examiner

Dru M. Parries

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,9,12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 7 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 6, 2006 have been fully considered but they are not persuasive.
2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). One example that the Examiner would like to point out is that the references do teach "a vehicle door latch control system (Ubelein) including a latch mechanism motor (Adamo) that is operated to a security locking state upon actuation of a regulator (Mittermeier) as claimed."
3. The Examiner also disagrees with the Applicant's assessment that Mittermeier's "lock-unlock switch" is not a regulator. The "lock-unlock switch" is occupant-operable to lock the vehicle, and could be read on the "regulator" in the claims.
4. In response to applicant's argument that Mittermeier is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Mittermeier is pertinent to a particular problem that the Applicant is concerned, that being the use of actuating a regulator to initiate a security locking state in an emergency situation. Also, it would have been obvious to combine this reference with Ubelein because both references teach different methods of handling

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an emergency situation and Mittermeier teaches motivation to use his method of locking the vehicle upon actuation of a regulator (i.e. protect against attacks). And referring back to the piecemeal argument above, the Examiner would like to point out that Ubelein teaches detecting a fault (i.e. emergency situation) and Mittermeier teaches initiating a security locking state when actuating a regulator in an emergency situation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-6, 8-9, 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ubelein et al. (6,515,377), Amano (6,557,910), and Mittermeier et al. (2001/0045775). Ubelein teaches a circuit for control of a vehicle's power windows and door locks in lieu of a fault on a bus (Abstract). He teaches a door controller being connected to the bus, the door lock/unlock mechanism, and at least one occupant-operable regulator and the controller being able to detect a fault in a bus (Col. 1, lines 16-30). Ubelein also teaches the idea of upon detection of a fault (in emergency situations), trying to maximize the availability of all functions normally provided before the fault (Col. 3, lines 1-12). He teaches that when a fault is detected on a bus that an operation can be controlled by the actuation of any one of a number of regulators (Col. 5, lines 50-58). He also teaches the idea of using a multiplexed bus in a system like this (Col. 1, lines 42-44). He also teaches the possible situation where one could actuate the window lift regulator and operate the latch mechanism motor (Col. 5, lines 58-63). Ubelein fails

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to teach the operation, upon fault (emergency) detection, to be setting a lock/unlock mechanism to a security locking state, and he also fails to explicitly teach the lock/unlock mechanism for the doors being a latch mechanism motor. Amano teaches a latch mechanism motor for controlling the lock/unlock of a vehicle door. It would have been obvious to one of ordinary skill in the art at the time of the invention to assume that a latch mechanism motor is mechanically locking and unlocking the vehicle doors in Ubelein's invention since it is a known way to control the locks and Ubelein doesn't teach exactly how the locking/unlocking is happening. Mittermeier teaches an emergency locking system that locks vehicle doors in emergency situations upon actuation of a regulator ([0003] & [0004]). It would have been obvious to one of ordinary skill in the art at the time of the invention to have one of the operations in Ubelein's invention to be locking the latch mechanism motor, so that in the case where occupants need to protect themselves from something outside the vehicle, they can do that also.

Allowable Subject Matter

7. Claims 7 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. No prior art of record teaches the combination that upon detection of a fault on a bus and detection that a car door is closed, to operate the latch mechanism motor.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The examiner can normally be reached on M-Th from 8:00am to 5:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

6-23-2006



ROBERT L. DEBERADINIS
PRIMARY EXAMINER